

DEC 10 2004

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
56029-7976

First named inventor: Johnson et al.

Application No.: 09/220,617

Art Unit: 1647

Filed: December 24, 1998

Examiner: Robert Clinton Hayes

Title: Persephin and Related Growth Factors

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity -fee \$1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of 2nd Supplemental Amendment and Response (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$_____.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

December 7, 2004

Date



Signature

Telephone
Number: 314-552-6000

Kimberly H. Lu

Typed or printed name

Thompson Coburn LLP

Address

Enclosures: Fee Payment

One US Bank Plaza, St. Louis, MO 63101

Address

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

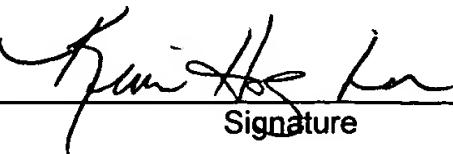
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

December 7, 2004

Date



Signature

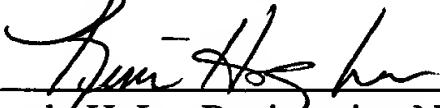
Kimberly H. Lu
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FIRST-CLASS MAIL

I certify that the documents referred to as enclosed herein are being deposited on December 7, 2004 with the U.S. Postal Service as First Class Mail under 37 C.F.R. 1.8 and are addressed to **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



Kimberly H. Lu, Registration No. 51,973

Application of:	Johnson et al.	Group Art No.:	1647
Serial No.:	09/220,617	Atty. Docket No.:	56029-7976
Filed:	12/24/1998		
For:	<i>Persephin and Related Growth Factors</i>	Examiner:	Hayes, Robert Clinton

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS WITH PETITION TO REVIVE

HONORABLE SIR:

Applicant has submitted a copy of the enclosed response to the advisory action of November 24, 2004 (via facsimile on December 1, 2004) to the Examiner for his review. On December 7, 2004, the Examiner reviewed the response and stated that the response would place the application in condition for allowance.

Prompt and favorable consideration of Applicant's Petition for Revival of application
serial no. 09/220,617 is respectfully requested.

Respectfully submitted,



Kimberly H. Lu, Reg. #51,973
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
Telephone: 314-552-6307
Fax: 314-552-7307

DEC 10 2004
U.S. PATENT & TRADEMARK OFFICE

TRANSMITTAL LETTER
(General – Patent Pending)

Docket No.
56029/7976

Re Application Of:
Johnson et al.

Serial No.
09/220,617

Filing Date
December 24, 1998

Examiner
Hayes, Robert Clinton

Group Art Unit
1647

Title:
Persephin And Related Growth Factors

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is:

1. Petition for Revival of An Application for Patent Abandoned Unintentionally;
2. Comments With Petition To Revive;
3. Amendment And Response; and
4. Postcard

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$1,370.00 for the Petition For Revival.
- Credit any overpayment.
- Charge any additional fee required.


Signature

Dated: December 7, 2004

Kimberly H. Lu, Reg. No. 51,973
Thompson Coburn LLP
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St. Louis, Missouri 63101-9928
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314-552-7000 FAX



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PATENT TRADEMARK OFFICE

I certify that the document and fee is being deposited on December 7, 2004, with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Kimberly H. Lu

Typed or Printed Name of Person Mailing Correspondence